

Representations for designs

Introduction

This note reiterates and clarifies practices regarding the filing of representations for designs to be registered by IPONZ under the Designs Act 1953.

The representations of a design serve to identify the design, so that a design applied to an article can be clearly identified, by way of visual comparison with the representations on the register, to be the design that is registered. A copy of the representations is attached to and is an essential part of the Certificate of Registration for the design.

If the Commissioner is not satisfied that the representations supplied completely and unambiguously identify the design, then additional representations of the design, or in some special cases, a specimen of the article to which the design has been applied, will be required. If additional representations are requested and are supplied then it is possible that the design was not adequately represented at the filing date, and the filing date may require post-dating to the date on which the additional representations were filed.

In some instances the Commissioner may be satisfied that just a single representation or view of the article to which the design is applied is sufficient.

Some countries allow a single application to register several designs for the same sort of article to be made using one or more basic representation documents which may illustrate multiple views of one or many distinct designs. Convention applications may be made in New Zealand based on such documents. Multiple views of a distinct design present in the convention document should be filed together as a single application in New Zealand; distinct designs in the convention document should be filed as distinct design applications in New Zealand; and representations of distinct designs in the convention document should not be mixed up and filed as views of a single design in New Zealand.

If a single application for what are clearly multiple designs or a single design applied to different articles that do not constitute a set of articles is filed, then separate further applications each relating to just a single design applied to a single article or set of articles will be required, and registration on the first application will not proceed until that application has been amended so as to relate to a single design applied to a single article or set of articles.

Paper filing

All papers filed for design applications are now scanned at high resolution and the resultant files are stored securely in an electronic database and can be readily reproduced; consequently quadruplicate copies of the representations or amended representations, or specimens, of a design are no longer needed or required.

Only a single copy of the set of representations or specimens of a design should be filed. Multiple identical copies will not be required, no objection will be taken if just a single copy is supplied, and registration will not be delayed waiting for further copies to be filed.

Paper filed representations for designs should meet the following requirements

- The representations must be provided, on one side only on A4 sheets, as images of the article to which the design is applied.
- Images may be in black and white, greyscale or colour.
- Images may be in the form of drawings, prints or photographs.
- If the images are in the form of photographs, the photographs should be mounted onto an A4 sheet, or printed onto an A4 sheet in the case of digital photographs.
- Each image should be labelled with the view of the article that it illustrates, e.g. Front View, Side View, Enlarged View of Edge, etc.
- The images must be crisp and clean, and clearly illustrate the features of the article of the design. The images should be devoid of any extraneous matter, (e.g. lettering, dimensions, or background) that does not form an essential part of the design.
- If the design is to be applied to a set of articles, then the representations should illustrate the design applied to every article of the set.

Specimens

A specimen of the article to which the design is applied (examples: a tea-towel, a pen, a mobile phone, a sheet of wallpaper) may be filed. If the specimen cannot be conveniently mounted flat on an A4 sheet then representations of the design, in the form of photographs or drawings as above, must be filed. In these cases filing, in the first instance, specimens, such as a pen or a mobile phone, which cannot be mounted flat on an A4 sheet, is not a practical option.

Electronic filing

As an alternative to paper based filing of design applications and representations, applicants may utilise the web based filing facilities on the IPONZ website. Digital images of design representations may be filed with IPONZ in the digital file formats specified in the drop-down list on the web site. In the present state of development, specimens of the design, or computer files such as CAD, 3D Model or Virtual Reality renderings cannot be filed online. Generally a document which may have to be modified by the design examiner, e.g replacement of pages by pages filed during examination, should not be filed in a secured format.

Similarly to paper based filings, images:

- May render in black and white, greyscale or colour
- Must render onto single sided A4 format
- Each image should be labelled with the view of the article that it illustrates, e.g. Front View, Side View, Enlarged View of Edge, etc.
- The images must be crisp and clean, and clearly illustrate the features of the article of the design. The images should be devoid of any extraneous matter, (e.g. lettering, dimensions, or background) that does not form an essential part of the design.
- If the design is to be applied to a set of articles, then the representations should illustrate the design applied to every article of the set.